CITY OF ELGIN
ORDINANCE NO. 4
SERIES 1990

AN ORDINANCE VACATING A 10 FEET WIDTH ON EITHER SIDE OF NINTH AVENUE FROM THE INTERSECTION OF NINTH WITH DETROIT STREET EXTENDING NORTH TO ITS INTERSECTION WITH FRESNO STREET, IN THE CITY OF ELGIN, OREGON.

WHEREAS: The City Council of Elgin, Oregon has on April 10, 1990, by motion of the Council initiated vacation proceedings for a 10 feet width on either side of 9th Avenue, formerly Main Street, from the intersection of said street with the North line of Detroit Street, formerly Depot Street, extending North to its intersection with the South line of Fresno Street, formerly Second Street, reducing the width of right-of-way of this portion of 9th Avenue from 80 feet to 60 feet, and;

WHEREAS: The City Council did set the time and place for a public hearing, on the proposed vacation on september 11, 1990 at 7:45 pm. at the Elgin Community Center, and;

WHEREAS: Notice of said public hearing and proposed street vacation was posted at the U.S. Bank, the U.S. Post Office, the Elgin Community Center, and the City Hall, within the City of Elgin, and also posted in two conspicuous places on either end of the said portion of Ninth Avenue, for four consecutive and successive weeks, August 10, 1990 through September 11, 1990, said posting verified by affidavit filed by the City Recorder, and;

WHEREAS: The City Council did cause an examination to be made of the herein above described street, and found that the right-of-way 10 feet wide on either side street was not open and had not been used for public purposes, with no road way upon the same, and;

WHEREAS: The City Council has found that the vacation of the said street right-of-way will not in any way adversely affect the market value of the adjoining, adjacent and closely situated properties, nor will cause any damage to inure thereto, and that the interest of the public therein will not be prejudiced by such vacation, and;

WHEREAS: At the time and place fixed for the said vacation hearing, to-wit: the hour of 7:45 pm at the Elgin Community Center, Elgin, Oregon, on Tuesday September 11, 1990, said Council called the hearing to order, and did hold a public hearing on the proposed vacation; no objection or remonstrances to such vacation were made in writing or filed with the City Recorder prior to the time of the hearing, or at all, and no one appeared at the hearing to make any objections or remonstrances to such vacation;

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NOW THEREFORE, the City of Elgin Ordains as Follows;

Section 1:

That portion of Ninth Avenue, formerly Main Street, for a width of 10 feet on either side of said street, from the intersection of said street with the North line of Detroit Street, formerly Depot Street, extending North to its intersection with the South line of Fresno Street, formerly Second Street, reducing the width of right-of-way of this portion of 9th Avenue from 80 feet to 60 feet, is hereby vacated, and;

Section 2:

The title to the portion of Ninth Avenue vacated by Section 1 above, shall attach to the lands bordering on Ninth Avenue to the East and West of said portion of Ninth Avenue, adding a depth of 10 feet to each such lot.

Section 3:

Any electric transmission lines, information transmission lines, water mains, gas mains, or sewer lines or any other utilities or services in, on, or under that portion of Ninth Avenue vacated by section 1 above, are hereby granted a permanent easement for purposes of the continuation of providing service, maintenance of such utilities and the expansion of such utilities and/or services as is in accordance with the contracts, agreements, ordinances and regulations of the City of Elgin.

PASSED AND ADOPTED THIS 11th **DAY OF** December **, 1990,**
BY Six **(6) COUNCIL MEMBERS VOTING THEREFORE.**

Virginia A. Spicker
MAYOR

D.L. (Bud) Rogers
CITY COUNCIL

Clayton R Brockow
CITY COUNCIL

Sharon M. Stevens
CITY COUNCIL

Pat McMullen
CITY COUNCIL

Christine McLaughlin
CITY COUNCIL

Absent
CITY COUNCIL

ATTEST:

Jan Goltz
CITY RECORDER

I Certify that this is a true Copy of Ordinance #4, 1990 as passed by Elgin City Council Dec 11, 1990
Jan Goltz

CITY OF ELGIN

P.O. Box 128 Elgin, Oregon 97827 Phone 437-2253

September 11, 1990

AFFIDAVIT OF POSTING NOTICE

FOR:
Proposed vacation of ten feet of Right-of-Way either side of Ninth ~~Street~~ Blvd/Ave between Detroit Street and Fresno Street.

I hereby certify that notice of the proposed vacation, and hearing thereon, was posted in four public places within the City of Elgin for a time of four weeks; the places of posting being the U.S. Bank, the U.S. Post Office, the Elgin Community Center and the Elgin City Hall; time of posting being August 10 through September 11, 1990. I further certify that notice of the proposed vacation, and hearing thereon, was posted at two conspicuous locations on either end of the street to be vacated, during the same period of time.

ATTEST:

Joe Garlitz
Recorder/Administrator

Posted: US Bank
US Post office
City Hall
Elgin Community Center

Aug 6 1990
—
Sept 11, 1990

NOTICE OF STREET VACATION

THE CITY COUNCIL OF ELGIN HAS ON APRIL 10, 1990, BY MOTION OF THE COUNCIL INITIATED VACATION PROCEEDINGS FOR A PORTION OF N. 9th AVENUE (FORMERLY MAIN STREET). THE PROPOSED VACATION WILL BE CONSIDERED AT A PUBLIC HEARING BEFORE THE COUNCIL ON SEPTEMBER 11, 1990 AT 7:45 PM.
THE INITIAL REQUEST TO THE COUNCIL WAS SUBMITTED BY MAURICE SHERWOOD, ABUTTING PROPERTY OWNER.

THE VACATION BEING CONSIDERED IS A 10 FEET WIDTH ON EITHER SIDE OF 9th AVENUE FROM THE INTERSECTION OF SAID STREET WITH THE NORTH LINE OF DETROIT (DEPOT) STREET EXTENDING NORTH TO ITS INTERSECTION WITH THE SOUTH LINE OF FRESNO (SECOND) STREET. THIS VACATION WILL REDUCE THE WIDTH OF RIGHT-OF-WAY OF THIS PORTION OF 9th AVENUE FROM 80 FEET TO 60 FEET.

ANY OBJECTION OR REMONSTRANCE MUST BE FILED WITH THE CITY RECORDER'S OFFICE BEFORE THE HEARING ON SEPT 11, 1990

Affidavit of Publication

STATE OF OREGON,
COUNTY OF UNION, } ss.

I, Berneva Brazeau, being first duly sworn, depose and say that I am the principal clerk of **THE OBSERVER**, a newspaper of general circulation as defined by ORS 193.010 and 193.020; printed and published at La Grande, in the aforesaid county and state; that the Public Notice, Partition & Subdivision

a printed copy of which is hereto annexed was published in the entire issue of said newspaper for 1 successive and consecutive weeks/days in the following issues: December 30, 1989

Berneva Brazeau

Subscribed and sworn to before me this 30 day of December 19 89.

Notary Public of Oregon

My commission expires June 18, 1993

PUBLIC NOTICE
CITY OF ELGIN

NOTICE IS HEREBY GIVEN the Elgin City Council will hold public hearings on January 9 and February 13, 1990, 7:00 P.M., in Community Center to review and potentially adopt by ordinance revisions to the City's Partition & Subdivision Ordinance incorporating 1989 legislation in SB358.

Copies of proposed revisions are available for review at City Offices.

Publish: December 30, 1989
Legal No. 527